

**RESPONSE UNDER 37 CFR 1.111
USAN 10/033,775**

REMARKS

As set forth on the Office Action Summary, claims 1-24 are pending in the application and are rejected.

Drawings

On page 2 of the Office Action, in paragraph 1, the Examiner has objected to the drawings under 37 C.F.R. 1.83(a), because the drawings must show every feature of the invention specified in the claims. In this regard, the Examiner indicates that the two pairs of rollers and the pair of endless belts must be shown, or else they must be canceled from the claims.

In response, Applicants submit that these features are shown in Fig. 2. Further, Applicants submit that even if they were not shown in Fig. 2, they would not need to be canceled from the claims, because a roller and an endless belt are shown in Fig. 1, and one skilled in the art would readily understand that a pair of rollers is two of a roller like the roller shown in Fig. 1 and that a pair of endless belts is two of an endless belt like the endless belt shown in Fig. 1.

In view of the above, Applicants submit that the objection is overcome, and withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. 112, First Paragraph

On page 3 of the Office Action, in paragraph 2, claims 6-12 and 19-24 (perhaps claims 6-12 and 18-24 were intended in view of the Examiner's inclusion of claim 18

RESPONSE UNDER 37 CFR 1.111
USAN 10/033,775

subsequently in the discussion of the rejection) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner's Position

The Examiner indicates that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. In this regard, the pair of endless belts and other structure claimed in claims 7-12 and 18-24 are not described and shown by the disclosure.

Further, on page 4 of the Office Action, the Examiner indicates that the original specification does not support an element 54 which is linear and which extends orthogonally away from a middle portion of the handlebar 46. The Examiner indicates that handle 54 is not integral with the handlebar 46 and handle 54 is not in the "middle portion"; rather, handle 46 possesses a middle portion which cannot be seen due to the display. The Examiner indicates that handle 54 is a separate handlebar.

In addition, the Examiner indicates that Fig. 2 is defective because it fails to teach main things, namely, whether the belts are equal sized and how the extra pair of rollers is supported on the frame. The Examiner indicates that Applicant has introduced a central support between the pair of treadmills for supporting the rollers, and that this structure lacks support in the specification.

The Examiner indicates that the adage "a picture is worth a thousand words" is applicable here, and in most cases, a drawing is more detailed than the written disclosure.

Applicants' Response

In response, Applicants submit initially that the pair of endless belts and other structure recited in the claims are disclosed in the specification at, e.g., in the description

RESPONSE UNDER 37 CFR 1.111
USAN 10/033,775

in the paragraph bridging pages 5-6 and in the description in the last paragraph on page 7 in the application.

Further, Applicants submit that element 54 is supported by, e.g., the disclosure at page 7, lines 13-17 in the original specification. From this description, Applicants submit that one skilled in the art would readily envision an element 54 that is linear and extends orthogonally away from a middle portion of the handlebar 46. While the Examiner indicates that handle 54 is not integral with the handlebar 46 and that handle 54 is not in the "middle portion" but rather handle 46 possesses a middle portion which cannot be seen due to the display and handle 54 is a separate handlebar, Applicants submit that one skilled in the art would readily envision middle portion 54 based on the description in the last paragraph on page 7 in the application and would understand that middle portion 54 is connected to the middle part of handle bar 46.

In regard to Fig. 2, Applicants submit that the answers to the issues raised by the Examiner, namely, whether the belts are equal sized and how the extra pair of rollers is supported on the frame, would be readily understood by one skilled in the art. Depending on the embodiment involved, the belts could be the same size or different sizes. For example, one skilled in the art would readily understand that in the case of claim 8, the belts could be the same size, and that in the case of claim 9, the belts could be different sizes. Also, one skilled in the art would readily understand that the extra pair of rollers can be supported on the frame in the same manner that the first pair of rollers is supported on the frame. As to the Examiner's assertion that Applicant has introduced a central support between the pair of treadmills for supporting the rollers and that this structure lacks support in the specification, Applicants submit that this structure is simply

**RESPONSE UNDER 37 CFR 1.111
USAN 10/033,775**

the frame which would be readily envisioned by one skilled in the art. Applicants submit that the application does not need to be a production specification and that they are entitled to rely on the skill in the art.

With respect to the Examiner's indication that the adage "a picture is worth a thousand words" is applicable here and that in most cases a drawing is more detailed than the written disclosure, Applicants submit that the figures in the present application are supported by, e.g., the written disclosure on pages 5-7 as discussed above, particularly when that disclosure is considered in view of the skill in the art.

Thus, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, first paragraph, and withdrawal of this rejection is respectfully requested.

Art Rejection

On page 4 of the Office Action, claims 1-5 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen.

The Examiner's basic position is the same as that set forth previously. Further, the Examiner indicates on page 5 of the Office Action that with respect to the method of using the device, a desired function such as accommodating plural animals on the device would include two children or two small adult people, so some of the claims are met without modifying the Moon et al device. Also, the Examiner indicates that where a change in size of a prior art reference merely represents a change in degree, and not a change in kind, such a change is a design consideration with the skill of the art.

In response, Applicants submit that Moon does not contemplate accommodating plural animals, and there is no reason why one of ordinary skill in the art would look to

RESPONSE UNDER 37 CFR 1.111
USAN 10/033,775

Moon to accommodate plural animals. Moon simply represents a standard sized treadmill, which one of ordinary skill in the art would consider suitable for use by a single user. Two children would not use the Moon treadmill side-by-side because there is no teaching or suggestion to do such, and further that treadmill is too narrow and thus there would be a danger of falling and suffering injury. Similarly, two small adults would not use the Moon treadmill side-by-side because there is no teaching or suggestion to do such, and further that treadmill is too narrow and thus there would be a danger of falling and suffering injury.

Further, one would not have modified the Moon treadmill based on Derksen because, e.g., Derksen is directed to a treadmill for a horse, while the Moon et al treadmill, with its specifically positioned control panel, is not intended to be used by a horse.

Applicants submit that the present invention represents a change in kind because, e.g., it permits two treadmill users to exercise side-by-side while holding hands, which has not been possible previously.

Thus, Applicants submit that the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

Conclusion

For at least the above reasons, Applicants submit that the present invention is now in condition for allowance.

**RESPONSE UNDER 37 CFR 1.111
USAN 10/033,775**

If the Examiner wishes to discuss this application with the undersigned, he is requested to contact the undersigned at the local address and telephone number listed below.

In view of the above, allowance of the application is respectfully requested.

Respectfully submitted,

9112 Cherbourg Drive
Potomac, MD 20854
(301) 299-8843
Date: May 10, 2006

Bruce E. Kramer
Bruce E. Kramer
Registration No. 33,725